THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20810 OF 1998

DATED: 21-08-2007

Between:

D. Vimalakar Rao

.. Petitioner

and

The Managing Director, AP MARKFED,
Basheerbagh, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20810 OF 1998

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ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the impugned proceedings, dated 08.10.1997, in Rc.No.EST/Disc/3/WGL/96, on the file of the 1st respondent-Managing Director, AP MARKFED, Hyderabad, and to quash the same as arbitrary and illegal; and consequently to direct the respondents to place the petitioner in the post of Assistant Manager with effect from 01.09.1997 with all consequential and incidental benefits including continuation of service in the cadre of Assistant Manager.

It appears, the petitioner, while working as District Manager with A.P. State Cooperative Marketing Federation Limited, at Warangal District, was proceeded with departmental enquiry, by issuing a charge memo, dated 25.11.1994, framing five charges against him. After conducting a detailed enquiry, the disciplinary authority found the petitioner guilty of the charges leveled against him and a punishment of reduction to lower cadre of SOA for a period of five years with effect from 01.09.1997 was imposed, vide impugned proceedings dated 08.10.1997. The appeal preferred by the petitioner was also rejected by the appellate authority. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner strenuously contended that though the charges are projected to be very serious and grave in nature, they are all very simple and are procedural lapses and, even if it is assumed that the charges are proved, the punishment of reduction to lower cadre for a period of five years with effect from 01.09.1997 is

unwarranted and disproportionate to that of the misconduct alleged.

While admitting the writ petition on 04.08.1998, though interim direction was granted that the petitioner should be allowed to receive the pay, which he was receiving before passing of the impugned order, subsequently, the same was vacated on 18.11.1999.

Be that as it may, the charges are grave in nature and the punishment imposed is, in fact, very lenient one. Apart from that, since the petitioner was aged about 48 years as on the date of filing of the writ petition, now he attained the age of superannuation. Further, since the impugned punishment imposed in the year 1997 was for a period of five years, the impugned order has already worked out as early as in the year 2002. For all the above reasons, no adjudication requires at this length of time and, therefore, the writ petition has become infructuous and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

21st August, 2007.
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